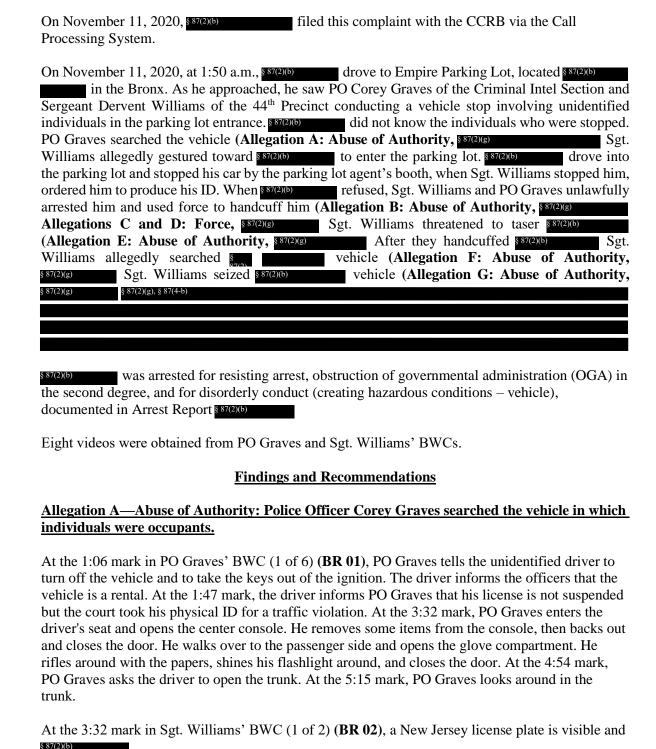
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☑ :	Force	☐ Discourt.	U.S.
Lily Kim		Squad #6	202007459	☑ .	Abuse	O.L.	✓ Injury
Incident Date(s)		Location of Incident:		Pı	recinct:	18 Mo. SOL	EO SOL
Wednesday, 11/11/2020 1:50	AM	Front of § 87(2)(6)			44	5/11/2022	5/11/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	: :	Date/Time	Received at CCI	RB
Wed, 11/11/2020 2:34 PM		CCRB	Call Processing System		Wed, 11/1	1/2020 2:34 PM	[
Complainant/Victim	Type	Home Addı	ress				
Witness(es)		Home Addı	ress				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Corey Graves	12570	956696	INT CIS				
2. SSA Dervent Williams	01719	939693	CD OFF				
Officer(s)	Allegatio	n			Inve	estigator Recon	nmendation
A.POM Corey Graves		olice Officer Corey Gr lividuals were occupar		hicle	in		
B.SSA Dervent Williams		Abuse: Sergeant Dervent Williams arrested § 87(2)(b) unlawfully.					
C.SSA Dervent Williams	Force: Se against §8	Force: Sergeant Dervent Williams used physical force against § 87(2)(6)					
D.POM Corey Graves		Force: Police Officer Corey Graves used physical force against \$\sqrt{8}\sqrt{9}(2)(b)\$					
E.SSA Dervent Williams		Abuse: Sergeant Dervent Williams threatened with the use of force.					
F.SSA Dervent Williams		Abuse: Sergeant Dervent Williams searched the vehicle in which \$87(2)(0) was an occupant.					
G.POM Corey Graves	Abuse: O	officers seized § 87(2)(b)	property.				
§ 87(2)(g), § 87(4-b)							
§ 87(2)(g), § 87(4-b)							
§ 87(2)(g), § 87(4-b)							
§ 87(2)(g), § 87(4-b)							

Case Summary



CCRB Case # 202007459

Empire Parking Lot located at \$87(2)(b) in the Bronx to park his vehicle. There were two vehicles, one civilian and one unmarked, near the entrance of the parking lot. The civilian vehicle was almost turned into the entrance. PO Graves searched the car and Sgt. Williams stood in front of

testified (BR 03) that on November 11, 2020, at around 1:40 a.m., he drove to the

the vehicle. Serono observed two individuals with the officers. Serono did not know the individuals who were stopped.

PO Graves testified (BR 04) that on November 11, 2020, at approximately 1:15 a.m., Sgt. Williams and PO Graves conducted a vehicle stop in the entrance of a private parking lot, which involved two occupants. PO Graves did not document the license plate number or the individuals' names. PO Graves activated his sirens to pull the vehicle over for a minor vehicle infraction, but he did not remember what the infraction was. The vehicle pulled into the entrance of Empire Parking Lot, and PO Graves stopped his vehicle in the street. As PO Graves walked up to the vehicle, he smelled a strong odor of burnt and unburnt marijuana. PO Graves did not remember if the individuals were smoking when he approached. PO Graves did not remember if the vehicle's windows were open. There were no other individuals or vehicles in the immediate vicinity, and the odor was emanating specifically from the stopped vehicle. PO Graves requested the driver's ID and conducted a vehicle search due to the odor. The civilians were asked to exit the vehicle, and they stood at the rear of the vehicle with Sgt. Williams. PO Graves checked the vehicle floor, ashtray, and other areas of the vehicle. The odor of marijuana was the only reason for the vehicle search. PO Graves did not recover any marijuana.

Sgt. Williams' statement (BR 05) was consistent with PO Graves', except for the following. Sgt. Williams did not remember what led to this vehicle stop. Sgt. Williams did not remember if he obtained the names of the two male occupants of the vehicle, who were not issued any summons or arrested. The vehicle was searched because the occupants informed the officers that they had been smoking marijuana, which led them to believe that there were drugs in the vehicle, which was why PO Graves searched the vehicle. Sgt. Williams did not document the vehicle stop or any information about the vehicle, such as a license plate number, other than his BWC.

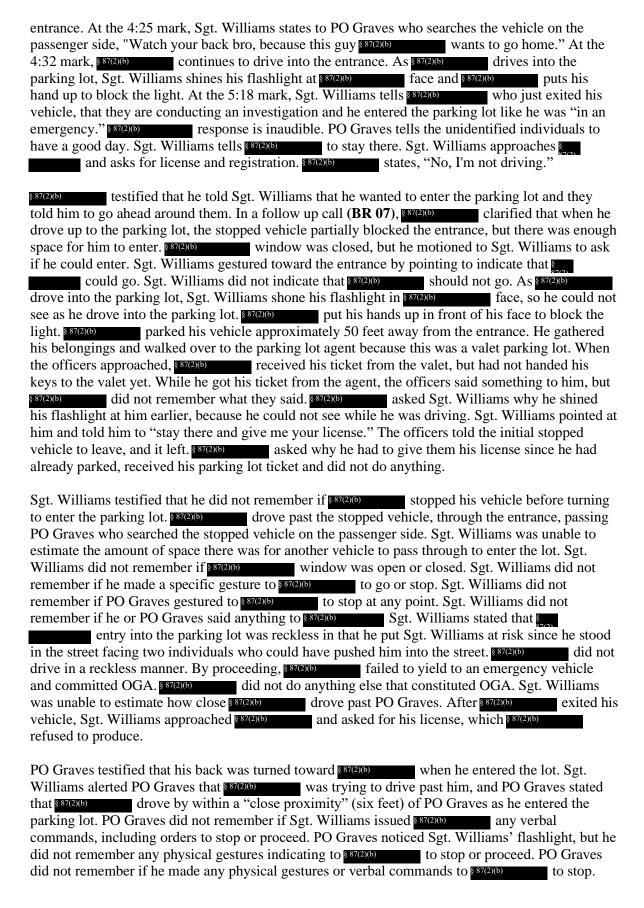
A request for Stop Reports was returned with negative results (BR 06).

Sgt. Williams, and PO Graves were unable to identify the two occupants of the stopped vehicle. The investigation did not find any documentation of the vehicle stop, and PO Graves and Sgt. Williams confirmed that the stop was only documented by their BWC. The individuals were not arrested or issued summonses. The BWC captures a New Jersey license plate but the driver stated that it was a rental, and he did not own the vehicle. The driver additionally informed the officers that he did not have a valid driver's license/photo ID. Although the driver stated that the rental agreement was under his name, this is not confirmed by documentation. Due to these facts, the investigation was unable to identify the occupants of the stopped vehicle and obtain statements from them. Additionally, although Sgt. Williams stated that the occupants verbally mentioned marijuana, there is no discussion of marijuana in the BWC.

§ 87(2)(g)

Allegation B—Abuse of Authority: Sergeant Dervent Williams arrested unlawfully.

At the 4:08 mark in Sgt. Williams' BWC, pulls up next to a vehicle which is parallel-parked on the street. has his turn signal on, indicating his intent to enter the parking lot. Approximately seven seconds later at the 4:15 mark, starts to turn into the entrance. At the 4:19 mark, starts his vehicle at the curb, just before the parking lot



could have been arrested for OGA for proceeding during the officers' investigation and creating unsafe and dangerous conditions for the officers and the civilians.

According to Arrest (BR 08), \$\frac{87(2)(6)}{2}\$ was arrested for resisting arrest, OGA in the second degree, and for disorderly conduct (creating hazardous conditions – vehicle). The arrest report states, "At TPO deft was observed operating above listed vehicle and upon lawful stop deft did refuse to provide identification when asked to do so several times. while attempting to place perp under arrest deft did lock his arms and flail his arms and body in an attempt to prevent arrest."

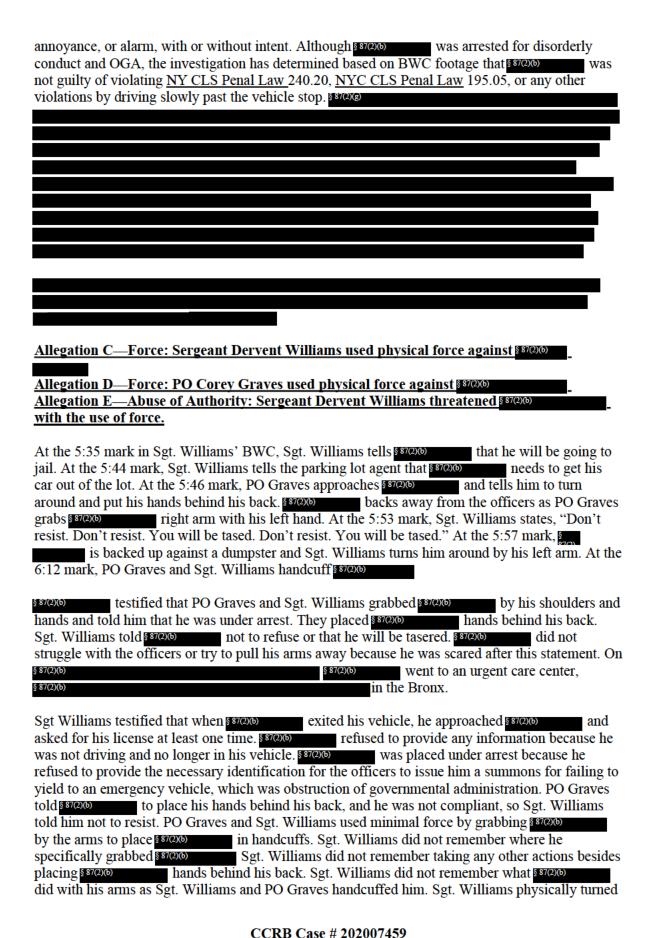
87(2)(6) was arrested for resisting arrest, OGA in the second degree, and for disorderly conduct (creating hazardous conditions – vehicle). The arrest report states, "At TPO deft was observed operating above listed vehicle and upon lawful stop deft did refuse to provide identification when asked to do so several times. while attempting to place perp under arrest deft did lock his arms and flail his arms and body in an attempt to prevent arrest."

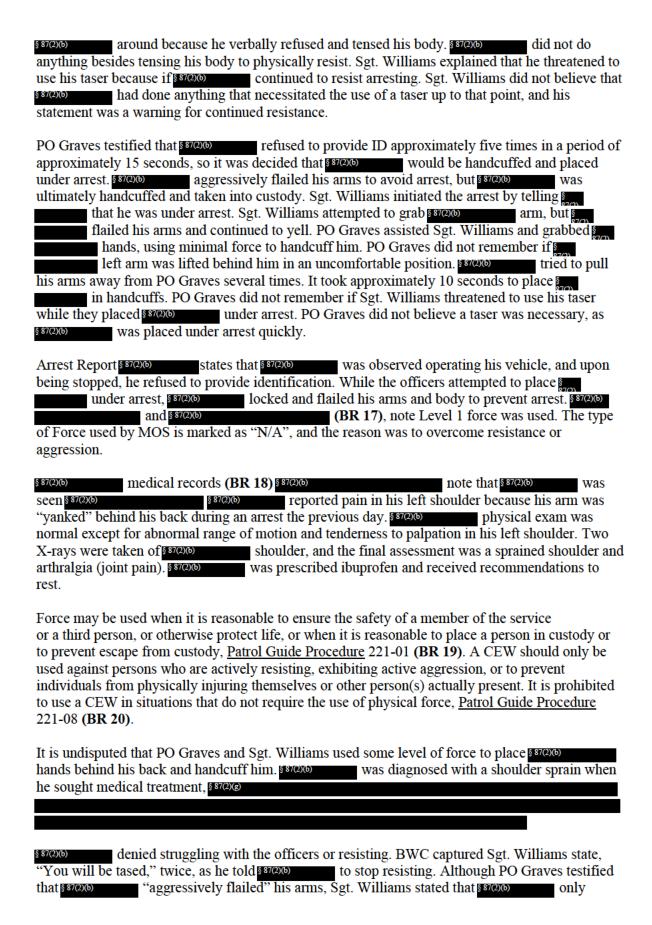
(BR 09).

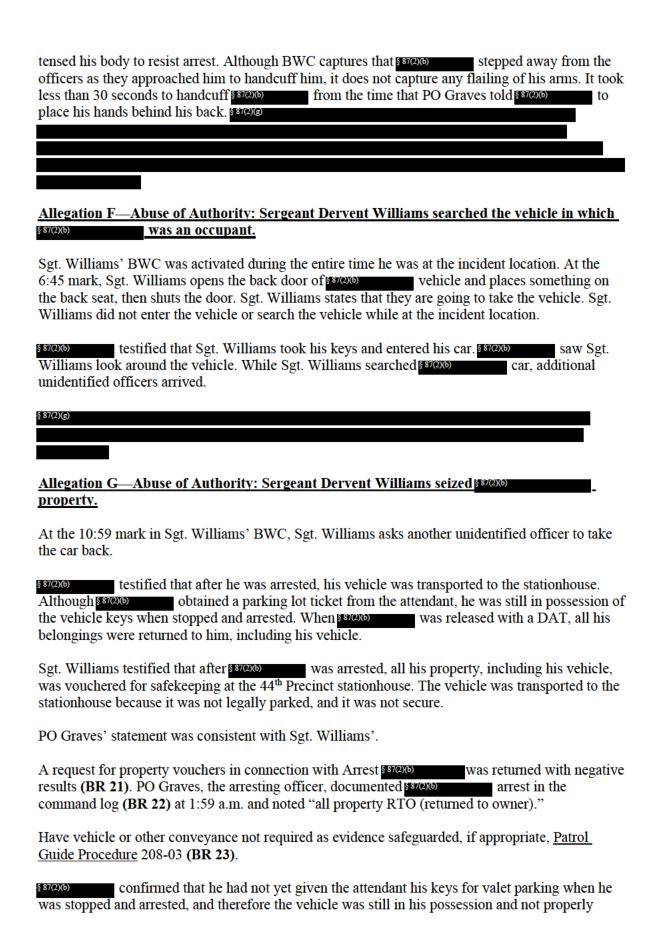
In order to stop a person, there must exist at that moment a founded suspicion that the person has committed, is committing, or is about to commit a crime People v. Debour, 40 N.Y.2d 210 (1976) (BR 10). Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway with activated lights, NY Vehicle and Traffic Law 1144(a) (BR 11). A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof: 7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose, NY CLS Penal Law 240.20 (BR 12). A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, NY CLS Penal Law 195.05 (BR 13). Uniformed members of service may make an arrest without a warrant: a, for an offense when reasonable cause to believe offense committed in his presence, or b. for a crime (within presence or not) and reasonable cause exists that arrested person committed the crime, Patrol Guide Procedure 208-01 (BR 14). A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person, NY CLS Penal Law 205.30 (BR 15). In People v. Stephen, 153 Misc. 2d 382 (1992) (BR 16), the defendant argued that because no violation of disorderly conduct occurred, the officer was not authorized to arrest the defendant. As the officer was not authorized to make an arrest at the time the defendant struggled with the officer, an essential element of resisting arrest was lacking. Accordingly, the charge of resisting arrest was dismissed for facial insufficiency.

It is undisputed that Sgt. Williams and PO Graves conducted an unrelated vehicle stop and search when \$87(2)(b) approached and entered the parking lot, passing PO Graves who stood at the passenger side of the stopped vehicle. After \$87(2)(b) entered the parking lot and exited his vehicle, Sgt. Williams stopped \$87(2)(b) and asked for his license and registration.

Williams and PO Graves stated that the sole reason for stopping \$\frac{87(2)(6)}{2}\$ was that by entering the parking lot, he created a hazardous condition during their investigation for the initial vehicle stop. It is not illegal to drive past a vehicle stop, and neither officer claimed that they verbally or physically ordered \$\frac{87(2)(6)}{2}\$ to stop or that \$\frac{87(2)(6)}{2}\$ disobeyed such orders. \$\frac{87(2)(6)}{2}\$ actions served a legitimate purpose of entering the parking lot and did not interfere with police activities, with or without intent. BWC depicts that \$\frac{87(2)(6)}{2}\$ activated his turn signal and stopped his vehicle for approximately seven seconds before he turned toward the entrance, and then paused for a further twelve to thirteen seconds during which Sgt. Williams alerted PO Graves and PO Graves stepped away from the stopped vehicle. It was only after PO Graves stepped aside that \$\frac{87(2)(6)}{2}\$ drove slowly past PO Graves. \$\frac{87(2)(6)}{2}\$ exercised care in entering the parking lot and given that there were no other individuals in the area besides the officers and the stopped individuals, he did not violate NY Vehicle and Traffic Law 1144(a) or cause public inconvenience,







parked or secured. It is reasonable that Sgt. Williams decided to have vehicle taken to the stationhouse for safekeeping, along with other belongings when he was transported for processing.
§ 87(2)(g)
§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which service has been a party (BR 24).

 PO Graves has been a member-of-service for seven years and has been a subject in seven CCRB complaints and 19 allegations, none of which were substantiated. §87(2)@
- Sgt. Williams has been a member-of-service for 16 years and has been a subject in 15 cases and 38 allegations, of which four were substantiated:
 - o 201801532 involved substantiated allegations of a frisk and stop against Sgt. Williams. The Board recommended Charges and the NYPD imposed forfeiture of vacation days.

 201404505 involved substantiated allegations of seizure of property and a vehicle search against Sgt. Williams. The Board recommended Command Discipline B and the NYPD imposed Command Discipline B.

Mediation, Civil and Criminal Histories

	omplaint was not su §§ 86(1)(3)&(4)] [§ 87(2)(c)]	itable for mediation.	
§ 87(2)(b)		e of Claim with the City of New Yo	ork (BR 26). [87(2)(0)
Squad No.:	6		
Investigator:	Lily Kim Signature	Investigator Lily Kim Print Title & Name	3/14/2022 Date
Squad Leader: 3/15/20		IM Jessica Peña Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date